

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – JULY 6, 2016**

The meeting was called to order at 9:00 A.M. with Commissioners Arthaud, Kasian, and Kessel in attendance.

Others present during portions of the meeting were: A.J. Haffner, BJ Martin, Cal Klewin, Dan Askenazi, Todd Tooley, Leonard Hibl, Paul Backer, Doug Ellison, Linda Weiss, Lynn Wolff, Fintan Dooley, Curt Erickson, Lili Stewart, Stewart Dawson, Anthony Krebs, Justin Hyndman, Karl Rockeman, Rick Kannenberg, Terry O'Clair, Anthony Kessel, Scott Lange, Denice Aaron, Allan Richard, Byron Richard, Dan Hedrington, Eric Richard, Bette Stieglitz, Adam Williams, Stacey Kessel, Randal Gerhart, Rory Nelson, Andreina Pera-Isea, Tim Hendricks, Steven Klym, Pat Ashley, Roger Ashley, Bill Prentice, Yvonne Brusseau, Tom William, David Richard, Larry Heilman, Gary Sanders, Anita Kessel, Albert Kessel, Don Heiser, Danielle Richard, Anita Adams, Leo Schneider, Harold Kubischta, Valerie Naylor, Brian Rosendahl, Wendy Ross, Don Shepherel, Greg Kessel, Ray Kessel, Judy Babeck, Thomas Wirtz, Guadalupe Wirtz, Marie Hoff, Kevin Uttech, Jan Swenson, Corinne Lee, Jim Fuglie, Lillian Crook, Kelly Obrigewitch, Dan Obrigewich, Wally Owen, Holly Sandbo, Wade Northrop, Joe Griesel, Jon Cameron, Ian Connors, Lavonne Gartsch, Dwayne Shypkoski, Brian Tolson, Danita Tysur.

Kessel moved to approve the minutes from the June 7, 2016 regular meeting. Kasian seconded. All voted aye.

Meridian Energy Group, Inc: Application to rezone 717.06 acres in sections 1, 2, and 12 139-100 to Industrial. Current Zoning varies from Agricultural and Residential. Conditional Use Permit requested for the Davis Refinery, an approximately 55,000 barrel per day petroleum refinery. The proposed refinery and associated structures will be constructed in two phases, with the initial design capacity of 27,500 bpd capacity. Description of parcels included in the request:

1. 1 acre residence in the NE1/4 1-139-100 (3634 132nd ½ Ave SW), Residential zoning. Property is currently owned by Bonnie L. Heiser;
2. 61.30 acres in the NE1/4 1-139-100 (3636 132nd ½ Ave SW), Agricultural zoning. Property is currently owned by Bonnie L. Heiser;
3. 24.4 acre parcel in the NW1/4 1-139-100, Ag w/ 1 acre Residential spot zoning. Donald Heiser;
4. 176.2 acre parcel in the W1/2 1-139-100 (13261 37th St SW), Ag w/ 10 acres Residential spot zoning. Property is currently owned by Greg & Stacey Kessel;
5. SE1/4 S OF BNRR LESS RR ARW 2-139-100, 104.36 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
6. N1/2SE1/4 N OF BNRR LESS RR ARW 2-139-100, 29.8 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
7. N1/2 12-139-100, 320 acres, Agricultural zoning. Property is currently owned by Greg Kessel.

Chairman Arthaud addressed the audience and stated that first ND Health Department would give a presentation on the process required for permitting of water, air, and waste and then Tax & Zoning Director Swanson would present a Billings County staff report to give findings and recommendations to the board. After Director Swanson's presentation, Meridian would be given an opportunity to present their project. After that, public comment and questions would be allowed. Dave Glatt from the ND Department of Health presented first and stated that they are neither for or against the project and are tasked with making sure that any potential impacts are within the boundaries of regulations. They ensure compliance with EPA and ND State rules for permitting, inspections and enforcement. Terry O'Clair gave a power point presentation regarding the Air Quality Division and they permits required as well as the Class 1 requirements including 24/7 365 day monitoring. The Air Quality Division expects the permitting and modeling process to take up to a year. Progress of the review once application is received may be found on the ndhealth.gov website. Carl Rockeman from the Water Quality division then presented a power point regarding the water permits that would be required and discussed the Dakota Formation and the Clean Water Act. Many questions were asked by the board as well as the public regarding the process and the numerous permits required. The board recessed for 20 minutes and Chairman Arthaud called the meeting back to order at 10:25AM. Director Swanson then went over the Meridian Application and discussed the portions of the zoning ordinance that had been addressed by Meridian and the issues that were still in need of attention. Director Stacey Swanson went over the meridian application. The zoning board approved the application at the April 21, 2016 zoning board meeting. She also presented the written comments for and against to the board. Dan Hedrington, Senior Project Manager for SEH Engineering/Meridian presented the site layout, and a power point presentation giving the specifics of the project. They are planning on using best control technologies which are required. Scott Lange from SEH discussed the downward lighting and blending of the project into the landscape as appropriate as well as the discussions with Burlington Northern. They are anticipating concrete railroad crossing with gates and lights. They have been working with Emergency Manager Pat Rummel and have a draft of the management plan and will be addressing various issues during the design of the project. They will have onsite firefighting apparatus and trained EMT's. Adriana Pena-Isea from Vepica USA discussed the wastewater and refinery flow charts. Elie Martinez from Vepica USA gave a power point presentation of the air quality issues and the difference between a Minor and a Synthetic Minor Source pollutant and the change from the refineries built in the 50's and 60's as opposed to the new controls. He also went over air standards and the modeling that will be required.

Visual impacts were discussed and wet cooling with a steam vapor plume versus dry cooling with no plume. They anticipate the Air Quality Permit to be submitted in August. Discussion turned to Sulphur byproduct. There will be a Sulphur recovery unit and no open air piles. They will be required to meet the State requirements. Public comments and questions were taken. A list of questions asked and answered as well as the staff report and requirements may be requested from the Billings County Auditor’s office. Chairman Arthaud discussed the location as well as the standards that this project will be held to by the State of ND and Billings County as well as the economic impact to Billings County being 50% Federal land with a low property tax base. Chairman Arthaud moved to approve the zoning change with the condition that all permits required by the state, as well as the county are complied with as well as a \$3.25M construction bond required. Kessel seconded. All voted aye.

Tammy Simnioniw, Billings County School Business Manager and Stacey Kessel, Billings County School Board member discussed how State Foundation Aid funding works for the School district and made a request for Bankhead Jones funding in the amount of \$350,000 for the next year. Bankhead Jones Funds may only be used for roads and schools. Discussion ensued regarding school reserve funding. Kasian moved to approve the \$350,000 request. Kessel seconded. All voted aye.

The board reviewed zoning requests that had been addressed by the zoning board at their June 16, 2016 meeting as follows:

Tax & Zoning Director Stacey Swanson presented a formal request from Steve Klym regarding rezoning a 6.44 acre tract in the NW1/4 of 23-140-100 (1310 134th AVE SW) from commercial to agricultural. The tract is no longer used for a commercial business and is part of his ranching operation. The zoning board approved the rezoning application. Kessel moved to uphold the zoning board decision. Arthaud seconded. All voted aye.

The board received and approved the following ARW permit with road superintendent conditions:

- Greg Kessel – Section 12-139-100 along 37th Street.

Zoning Director Swanson stated that three people expressed interest in being appointed to the zoning board. Kessel moved to appoint Steven Klym to a four year term on the zoning board. Arthaud seconded. All voted aye.

Sheriff Pat Rummel presented the April and May Sheriff’s report.

Director Keri Rummel discussed the job description for the joint paramedic with the City of Medora. Sheriff Rummel and Ambulance Director Keri Rummel will be moving north of Fairfield and she requested that the job description for the director allow for the Deputy Ambulance Director, Mitch Gilseth be allowed to move into the housing in the City of Medora. Kasian moved to allow the job description to be changed to reflect this. Kessel seconded. All voted aye. They will be meeting with the City of Medora later in the day.

Sheriff Rummel then discussed county road permitting with the board.

Justin Hyndman from KLJ presented the monthly engineers report.

The board recessed from 12:00 to 1:00 P.M.

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield of N.D.	011466	\$ 3,009.40
N.D. P.E.R.S.	011467	\$ 47,722.84
3D Specialties	011468	\$ 2,924.22
Adams, Donna J.	011469	\$ 437.24
Alternative Sanitation	011470	\$ 220.00
AmeriPride Linen Service	011471	\$ 151.43
Aspen Mills	011472	\$ 369.66
A T & T Mobility	011473	\$ 82.05
ATCO International	011474	\$ 224.00
Attic Sportman’s Loft	011475	\$ 605.00
Belfield Automotive Supply, Inc.	011476	\$ 1,150.43
Billings County Rural Fire District	011477	\$ 2,550.47
Billings County Historical Society	011478	\$ 16,500.00
Billings County Pioneer	011479	\$ 168.16
Billings County School District	011480	\$ 250,000.00
Billings County School District	011481	\$ 28,097.99
Billings County Sheriff	011482	\$ 266.06
Blue Cross Blue Shield of N.D.	011483	\$ 92.10
Boots Bar & Grill	011484	\$ 115.00
Bound Tree Medical, LLC	011485	\$ 293.97
Braun Distributing, Inc.	011486	\$ 255.68
Brooks & Associates, C. E.	011487	\$ 11,958.67
Brovold, Jay V.	011488	\$ 1,222.00
Butler Machinery Co.	011489	\$ 2,098.48
BWC, Inc.	011490	\$ 6,180.00

Cedar Fencing	011491	\$	887.00
Cerkoney, Cathy	011492	\$	87.80
Chad’s Automotive Clinic	011493	\$	1,141.53
Charbonneau Car Center	011494	\$	297.57
Chief Law Enforcement Supply	011495	\$	31.63
Code 4 Services, LLC	011496	\$	467.50
Crowell & Moring, LLP	011497	\$	13,098.54
D & K Services, LLC	011498	\$	914.38
Dakota Farm Equipment, Inc.	011499	\$	670.20
Dakota Sports	011500	\$	226.98
Deere Credit, Inc.	011501	\$	9,450.00
Dickinson Public Library	011502	\$	4,277.07
Dickinson Ready-Mix Company	011503	\$	5,700.00
Dryland Enterprises	011504	\$	36,598.75
Election Systems & Software	011505	\$	2,925.69
Emil’s Repair	011506	\$	680.00
EMS Technology Solutions, LLC	011507	\$	5,695.00
Erikson Trucking, Greg	011508	\$	55,000.00
Gall’s, Inc.	011509	\$	405.87
George’s Tire, Ltd.	011510	\$	2,908.00
Gerry’s Plumbing & Heating	011511	\$	1,469.60
Helena Chemical Company	011512	\$	12,723.15
Hlebechuk Construction	011513	\$	102,167.50
Holiday Inn – Fargo	011514	\$	160.20
Intergraph Corp. SGI Division	011515	\$	1,426.00
J & L Trucking	011516	\$	55,250.00
J and J Operating, LLC	011517	\$	3,522.09
J P Steel & Supply, Inc.	011518	\$	122.90
James Oil Well Service, Inc.	011519	\$	21,033.92
Kadrmass, Lee, & Jackson, Inc.	011520	\$	117,746.61
Kasian, Connie	011521	\$	82.40
Kasian, Michael E.	011522	\$	112.32
Kathrein Trucking	011523	\$	26,967.50
Ken’s Trucking	011524	\$	28,297.50
Kessel, Anita F.	011525	\$	93.20
Kessel, Clara	011526	\$	281.22
Kessel, Joseph L.	011527	\$	226.04
Klym, Steve	011528	\$	66.20
Kohler Communications, Inc.	011529	\$	200.00
Krebs Machine & Repair	011530	\$	542.00
Lamb, Marcia	011531	\$	246.90
Lawson Products, Inc.	011532	\$	1,610.12
LF Grading, LLC	011533	\$	900.00
Lilly Dog Trucking, LLC	011534	\$	18,716.25
Lindbo Welding Service	011535	\$	110.00
Logo Magic	011536	\$	373.50
Lyle Signs	011537	\$	1,235.31
Malkowski Trucking	011538	\$	74,375.00
Matthew Bender & Co., Inc.	011539	\$	291.21
Medora, City of...	011540	\$	1,234.19
Menards – Dickinson	011541	\$	269.95
Mid-American Research Chemical	011542	\$	82.00
Midstate Telephone Company	011543	\$	983.37
Miller Machine & Weld	011544	\$	43.20
Mobile Binders	011545	\$	559.09
N.D. Association of Counties	011546	\$	126.00
N.D. Cowboy Hall of Fame	011547	\$	200.00
N.D. Insurance Department	011548	\$	550.00
N.D. Insurance Department	011549	\$	6,926.96
N.D. Peace Officers Association	011550	\$	805.00
N.D. P.E.R.S.	011551	\$	4,215.36
N.D. P.E.R.S.	011552	\$	20.00
N.D. State Radio Communications	011553	\$	1,602.36
N.D. State Tax Commissioner	011554	\$	169.22
N.D. State Treasurer	011555	\$	633.29
N.D. State Water Commission	011556	\$	125.00
NDACO Resources Group, Inc.	011557	\$	1,840.19
Nelson International	011558	\$	936.72
Newby’s Ace Hardware	011559	\$	61.15
North Dakota Envelope Company	011560	\$	82.55
Northern Improvement Co.	011561	\$	7,143.30
O’Brien Oilfield Service, LLC	011562	\$	50.13
Off Road Software, Inc.	011563	\$	695.00
Oldel Trucking	011564	\$	28,117.50
Pump Systems, Inc.	011565	\$	1,231.48
Putnam, Karen	011566	\$	51.08
Ramkota Hotel – Bismarck	011567	\$	80.10
Ray’s Auto Electric, Inc.	011568	\$	200.00
RDO Trust 80-5800	011569	\$	2,295.80
Respond Systems	011570	\$	138.81
Robby Ridl Trucking, LLC	011571	\$	25,550.00
Romanyshyn Trucking	011572	\$	45,750.00
RPM Auto Repair	011573	\$	709.71
Rummel, Patrick	011574	\$	28.00
Runnings Supply, Inc.	011575	\$	1,260.45
Sax Motor Co.	011576	\$	26,899.00
Service Printers	011577	\$	55.00
Silver Spurs, LLC	011578	\$	25,760.00
Southwest Business Machines	011579	\$	2,387.77
Southwest Multi-Co. Correction Ctr.	011580	\$	8,362.68

Southwest Water Authority	011581	\$	2,828.70
Southwest Water Authority	011582	\$	563.32
Southwestern District Health Unit	011583	\$	1,892.74
Steffan Saw & Bike	011584	\$	85.92
Swanston Equipment Corporation	011585	\$	1,097.53
Tachenko, Terry & Terri	011586	\$	1,500.00
Tczap, John	011587	\$	50.00
Temp Right Service, Inc.	011588	\$	533.60
Thomas, Shawn	011589	\$	367.50
Thos. Y Pickett & Co., Inc.	011590	\$	3,000.00
Titan Machinery	011591	\$	353.43
Tom’s Service Center	011592	\$	384.20
Total Safety U.S., Inc.	011593	\$	405.75
Tyler Technologies, Inc.	011594	\$	7,007.50
Verizon Wireless	011595	\$	1,978.29
Viking Glass	011596	\$	2,100.00
Wal-Mart	011597	\$	431.98
WE Transport, LLC	011598	\$	46,776.25
West Dakota Oil, Inc.	011599	\$	35,081.25
Westlie Truck Center	011600	\$	92.32
Job Service North Dakota	011603	\$	3,051.04
N.D.P.E.R.S.	011605	\$	34,032.31
Century Link	011610	\$	534.79
Consolidated	011611	\$	61.73
Discovery Benefits, Inc.	011612	\$	84.00
Information Technology Dept.	011613	\$	657.90
Medora, City of...	011614	\$	480.18
Reservation Telephone Cooperative	011615	\$	40.00
Roughrider Electric Cooperative	011616	\$	3,639.48
Verizon Wireless	011617	\$	30.06
Visa	011618	\$	2,754.51
Visa	011619	\$	<u>673.62</u>

The board approved the revenue vouchers for the month of June: Recorder \$3,975.90; Zoning \$425.00; Court \$85.00; Sheriff \$135.00.

Revenues for the month of June: Sheriff \$9,191.88 permits; Highway Tax Distribution \$10,470.11; Oil & Gas Production Tax \$230,291.53; Interest \$12,143.07; Royalties \$17,354.98; Unorganized Oil & Gas Production Tax \$36,407.38; State Oil Impact \$61,088.84; Workers Compensation Safety and Dividend credit \$8,111.15; Federal PILT \$12,046.00; BLM Mineral Royalty \$262,523.69; State of ND 12% Credit \$69,251.98; Maps \$137.61

Payroll in the following amounts were approved for June: General Fund \$148,623.44; Road and Bridge Fund \$121,237.16; Weed Fund \$36,001.38.

With there being no further business, Kasian moved to adjourn the meeting 3:30P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer